

Office of the
INSPECTOR GENERAL



R E P O R T O F I N V E S T I G A T I O N

File Number: 06-071

Agency: Department of Natural Resources

Basis for Investigation: Private Citizen Complaint

Allegations: Conflicts of Interest

Date Opened: September 7, 2006

Investigated By: Deputy Inspector General Phil Walker
Deputy Inspector General Deb Copeland

Date of Report: November 20, 2006

Elizabeth P. Archer, Inspector General

OFFICE OF THE INSPECTOR GENERAL



File Number: 06-071

EXECUTIVE SUMMARY

On September 6, 2006, the Office of Inspector General (OIG) received a faxed complaint from Stephen R. James, Jr., of the Panamerican Consultants, Inc in Memphis, Tennessee. Mr. James alleged that Jason Burns, former employee of the Georgia Department of Natural Resources (DNR), Historic Preservation Division, Archaeological Services Unit, violated the Georgia Code of Ethics, when Burns “conspired” to hire away an employee of James while Panamerican was under contract with the state. Specifically, James alleged that Burns hired James’ employee to form an underwater archaeological division with a competing firm, Southeastern Archaeological Research, Inc. (SEARCH).

In the course of our inquiry, OIG interviewed present and former state employees and former Panamerican employee Michael Krivor. OIG also reviewed DNR policies and procedures, Burns’ time and attendance records, official work logs and personal calendar.

The inquiry found no substance to the allegation that former DNR employee Jason Burns engaged in a conflict of interest. Under these circumstances, and without any additional corroboration provided by the complainant, this allegation cannot be substantiated.



Report of Investigation

File No. 06-071

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I. BASIS FOR INVESTIGATION

On September 6, 2006, the Office of Inspector General (OIG) received a faxed complaint from Stephen R. James, Jr., Principal of Panamerican Consultants, Inc. in Memphis, Tennessee. Mr. James alleged that Jason Burns, a former employee of the Georgia Department of Natural Resources (DNR), Historic Preservation Division, Archaeological Services Unit, violated the Georgia Code of Ethics when Burns “conspired” to hire away one of James’ employees, Michael Krivor, while Panamerican was under contract with the state. In addition, James alleged that Burns hired Krivor to form an underwater archaeological division with a competing firm, Southeastern Archaeological Research, Inc. (SEARCH). According to James, this allegedly took place either on the 9th or 10th of November 2005, when Burns was working for DNR.

II. ACTION TAKEN IN FURTHERANCE OF INVESTIGATION

OIG interviewed Jason Burns and Michael Krivor, as well as current DNR employees. OIG also reviewed DNR policy and procedures, time and attendance records, official work logs and Burns’ personal calendar.

III. NARRATIVE

A. Background

The Archaeological Services Unit (ASU) assists the public by offering technical advice, information, and educational opportunities related to archaeology statewide. ASU’s primary duty is to carry-out surveys of DNR-administered lands. ASU’s responsibilities are set out in Official Code of Georgia Annotated (O.C.G.A. §12-3-53 et seq. and O.C.G.A. §12-3-80 et seq.).

B. Preliminary Inquiry

On March 16, 2005, Panamerican Consultants, Inc. entered into a contract with DNR, as an independent contractor to conduct a remote sensing survey of the submerged culture resources associated with naval engagements and the blockade efforts on the Ogeechee River during the American Civil war (See Contract No. 46200-341-0000000242). According to James, the contract and project were under the direct supervision of Burns. The report findings were submitted to Burns in December 2005, with the remaining contractual deliverables submitted in January 2006.

On September 7, 2006, OIG interviewed Emily Hitchcock, Legal Executive Assistant for DNR. According to Hitchcock, her only communication with James consisted of an email dated May 26, 2005, in which James stated that Burns had

violated the Ethics Code by “head-hunting” his employee. She stated that she did not review Burns’ time sheets because James did not allege that this occurred while on state time. Hitchcock advised that James did not provide DNR with any documentation to support his allegation

Hitchcock also stated that James’ contract with DNR did not contain expressed terms that covered his original allegation. In addition, according to Hitchcock, DNR did not have a fiduciary relationship with James and Panamerican. Hitchcock advised that, to her knowledge, Burns did not violate any DNR policy or Georgia law when he spoke to another firm regarding employment. According to Hitchcock, Burns resigned in February 2006.

Interview with Stephen R. James

On September 6, 2006, OIG interviewed James. At that time, James could provide no evidence to support his allegation. In addition, James admitted that he did not have a non-compete agreement with Krivor, because his lawyer claimed “that it would not hold up in court.”

Review of Documentation

During the course of our inquiry, DNR provided OIG with Burn’s time and attendance records for November 2005. In addition, Burns provided OIG with his November 2005 daily activity calendar and DNR work summary for November 1-30, 2005. Information contained in those documents revealed that Burns was engaged in DNR business on the dates alleged by James. In addition, Burns’ time sheets reflect that he had 288 hours of accrued compensation time. Therefore, if necessary, Burns had ample leave to cover personal time.

Interviews with Present and Former DNR Employees and Panamerican Employee

On November 11, 2006, OIG interviewed Dr. David Crass, Georgia State Archeologist. Crass was Burns’ supervisor in November 2005. According to Crass, Burns was involved in a “remote sensing” project on the Altamaha River with DNR employee Shawn Jordan on November 9, 2005.

On November 16, 2006, OIG interviewed DNR Marine Biologist Shawn Jordan. Jordan stated that on November 9, 2006, he and Burns worked with personnel from the DNR Wildlife Resources Division teaching them to operate “side scan sonar.” According to Jordan, this project concerned the sinking of an old paddlewheel boat on the Altamaha River at Doctor town near Jesup, Georgia.

On November 16, 2006, OIG interviewed Michael Krivor, James’ former employee at Panamerican. Krivor denied that Burns recruited him away from Panamerican. Krivor stated that he was looking for a “new work experience,” when the opportunity to work with SEARCH materialized. He stated that he left his position at Panamerican because of low wages and James’ refusal to update

his equipment. In addition, he stated that since he did not have a non-compete agreement with Panamerican, he could seek employment “when he pleased and with whom he pleased.”

On November 17, 2006, OIG interviewed Burns. Burns denied James’ allegation that he recruited Krivor from Panamerican. Burns stated on November 9, 2005, he worked with DNR employees Shawn Jordan and Bert Deener at the Altamaha River. In addition, Burns he stated that on November 10, 2005, he drove to Thomasville, Georgia from Savannah to facilitate a public lecture. Burns stated that he worked 16 hours on November 10th. Burns provided OIG with a copy of his November 2005 daily activities calendar and DNR work summary for November 1-30 to support his work activities on November 9-11, 2005. He denied using official State time to obtain other employment.

IV. CONCLUSION

In the course of our preliminary inquiry, we conducted interviews, reviewed documents, as well as DNR policies and procedures. However, we found no substance to the allegation that Burns engaged in a conflict of interest while at DNR. Under these circumstances, and without any additional corroboration provided by James, this inquiry is closed without further action.

V. RECOMMENDATIONS

None